



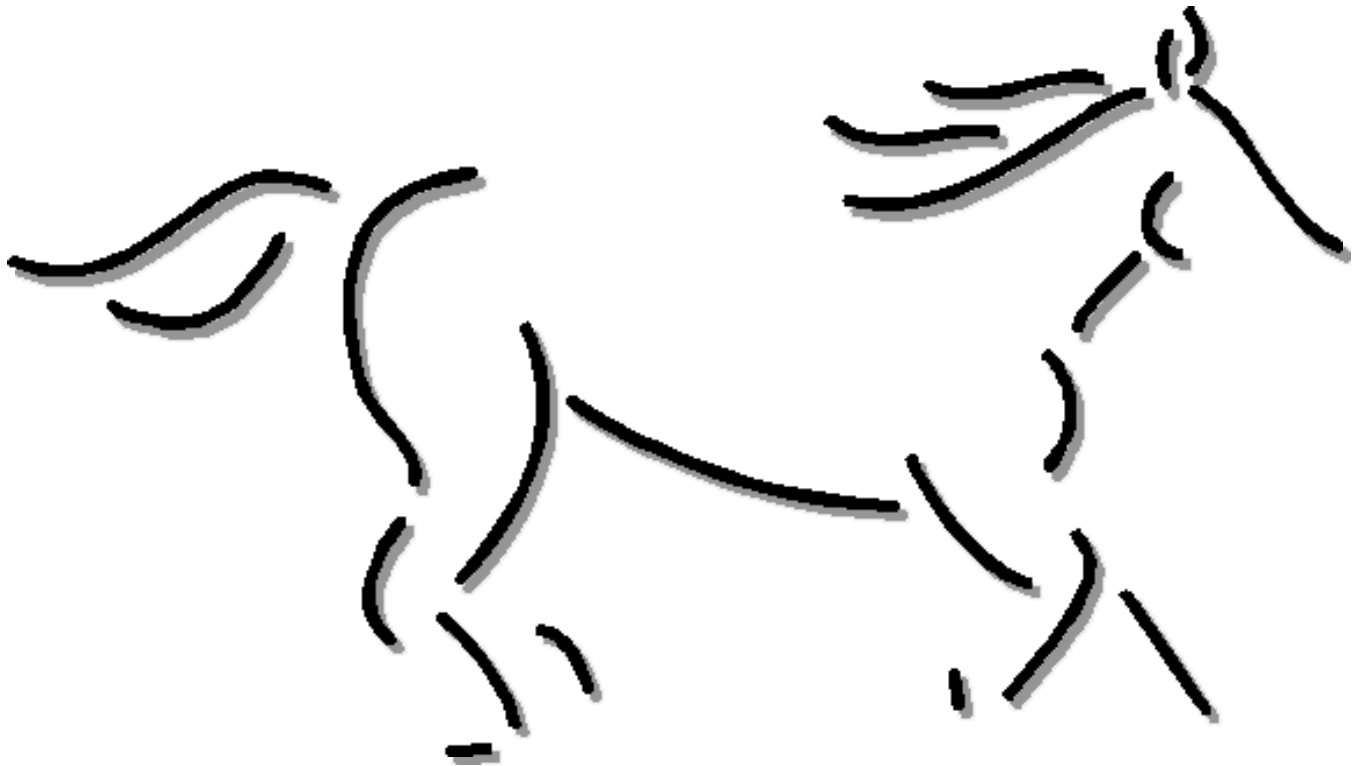
United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

APHIS 41-35-056

# Horse Protection Enforcement

Fiscal Year 1997



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Issued November 1998

## History of the Horse Protection Act

The Horse Protection Act (HPA) was passed in 1970 (PL 91–540) and amended in 1976 (PL 94–360). Congress declared that the process of soring horses either by chemical or mechanical practices, or combinations thereof, is cruel and inhumane. “Soring” is defined as the application of any chemical or mechanical agent used on any limb of a horse or any practice inflicted upon the horse that can be expected to cause it physical pain or distress when moving. The soring of horses is aimed at producing an exaggerated gait similar to that obtained by conventional training methods but over a shorter period of time. This practice relates primarily to Tennessee Walking Horses and related breeds. People who exhibit sored horses sustain an unfair performance advantage over the people who exhibit nonsored horses.

The HPA prohibits the showing, sale, auction, exhibition, or transport of sored horses. No one, including trainers, riders, owners, or representative agents, can legally enter a horse that has been sored into a show or competitive event. Management of shows, sales, auctions, and exhibitions has statutory responsibility under the Act to prevent unfair competition and must identify sored horses to prevent their exhibition, sale, or use.

## Administration of the HPA

The HPA is administered by the U.S. Department of Agriculture (USDA) through the Animal and Plant Health Inspection Service (APHIS). A 1976 amendment to the Act led to the establishment of the Designated Qualified Person (DQP) program, which provides industry-trained inspectors who help APHIS enforce this law. A DQP is a person meeting the requirements set forth in Title 9, Section 11.7, of the Code of Federal Regulations (CFR).

Individuals who have been licensed under this regulatory section as a DQP are usually farriers, trainers, or individuals with significant knowledge of horses and the equine industry. Additionally, Section 11.7 allows Doctors of Veterinary Medicine who are members of the American Association of Equine Practitioners, large-animal practitioners with substantial equine experience, and knowledgeable in the area of equine medicine to become licensed as DQP’s without having to participate in formal training.

The DQP program provides one of the primary mechanisms for detecting sored horses. Horse Industry Organizations (HIO’s) maintaining certified DQP programs participate with APHIS in yearly DQP training seminars, refresher clinics, educational forums, and program operations. Regulatory policy, procedure, and methods of inspection are reviewed throughout the year with representatives of the horse industry to enforce and strengthen training programs. APHIS veterinarians provide regulatory instruction and guidance incorporating classroom as well as “hands-on” instruction with horses at training sessions. APHIS builds upon these training programs and strengthens its working relationship with the equine industry through regularly scheduled horse-protection training classes attended by certified HIO’s and industry representatives.

Compliance inspections are conducted in accordance with inspection guidelines, provisions of the HPA, and relevant sections of the CFR. HIO’s regulate internal activities in accordance with the Horse Protection regulations and through their established rulebook standards and regulations.

An HIO penalty system acts as a deterrent against soring practices in the industry.

Licensed DQP's receive inspection assignments to various shows and sales through their USDA-certified organization. Affiliation by show or sale management with a certified HIO permits show management to fulfill its inspection responsibilities. When managers of a show, sale, auction, or exhibition do not affiliate with a certified HIO to secure inspections by a licensed DQP, they are held accountable, along with the offending individual, for any violations of the HPA. Therefore, while the use of DQP's by show management is not mandatory, managers of most shows or sales utilize DQP's to limit their liability under the HPA if a sored horse is shown or sold. APHIS strives to ensure that the certified HIO's effectively identify soring in horses, impose proper penalties, and assist the agency in the elimination of soring.

During fiscal year (FY) 1997, 6 USDA-certified HIO's provided the industry with 111 licensed DQP's. Participating organizations and the number of DQP's supplied included

National Horse Show Commission (58), Heart of America Walking Horse Association (29), Western International Walking Horse Association (6), Missouri Fox Trotters Horse Breeding Association (3), Spotted Saddle Horse Breeders and Exhibitors Association (6), and International Plantation Walking Horse Association (9).

To ensure consistency and thoroughness, certified HIO's can honor each other's suspensions, share penalty information, and cooperate on compliance issues. APHIS provides HIO's with changes in agency policy to promote uniformity of methods and procedures. APHIS monitors compliance by reviewing all management, HIO, and DQP reports that are filed with the agency as required under the regulations. Similarly, APHIS veterinarians evaluate DQP inspection procedures at selected shows and sales.

In addition to HIO penalties assessed against violators of the HPA, APHIS may also bring administrative or criminal complaints against violators. Administrative complaints may result in civil penalties of not more than \$2,000 for each violation and an order disqualifying the violator from showing or exhibiting horses or otherwise participating in any horse event except as a spectator. Periods of disqualification are determined on a case-by-case basis but can be no less than 1 year for the first violation and no less than 5 years for subsequent violations. However, violators are given the opportunity to enter into a consent agreement in order to reduce the burden of litigation and provide for prompt resolution. Criminal penalties of up to \$3,000 and 1 year in prison can be assessed against individuals who knowingly violate the Act. Each additional violation may result in fines of up to \$5,000 and imprisonment for up to 2 years.

## Administrative Initiatives

Starting in FY 1996, APHIS took several steps to improve the efficiency and effectiveness of HPA program in both the near term and long term. To improve the program immediately, APHIS delegated to certified HIO's greater responsibility for conducting horse show inspections and other related enforcement activities. Among other things, these actions provided HIO's with more authority in developing inspection protocols, penalty systems, and codes of conduct for their organizations.

APHIS also undertook a strategic planning process that will ultimately establish the focus and structure of the HPA program in the future. To this end, the agency prepared a draft strategic plan and solicited public comment on the document through a *Federal Register* notice and three public forums. Based on the written and oral remarks received on the document, APHIS revised the strategic plan to develop a stronger partnership between USDA and certified HIO's. At the end of FY 1997, the plan was under Departmental review.

## APHIS Evaluation of the DQP Program in FY 1997

APHIS inspectors randomly attend horse shows and sales that are affiliated or unaffiliated with certified HIO's. The number of shows attended by APHIS fluctuates from season to season as a result of show logistics and agency workload.

During the FY 1997 horse show season, 6 certified HIO's monitored 541 shows, sales, auctions, and exhibitions. Of the 99,559 horses examined by DQP's at those shows, 1,418 were turned down because of noncompliance with the HPA (average turndown rate, 1.42 percent). DQP's were evaluated by APHIS personnel who attended 31 shows and sales, where 13,749 horses were presented for inspection. The number of horses turned down in the presence of APHIS inspectors was 491 (average turndown rate, 3.57 percent). Of the 85,810 horse examined by DQP's when APHIS was not present, 927 were turned down because of non-compliance with the HPA (average turndown rate, 1.08 percent). Additionally, APHIS attended 7 unaffiliated shows where 468 horses were inspected and only 2 horses were found in violation of the HPA (average turndown rate, 0.43 percent). Table 1 provides a detailed breakdown and review of horse industry performance and the results obtained with and without the presence of APHIS inspectors during FY 1997.

**Table 1—Horse shows, sales, auctions, and exhibitions monitored in fiscal year 1997**

| Horse industry organization (HIO)                  | Shows                | Horses examined | Turn-downs   | Turndown rate (%) | Shows                    | Horses examined | Turn-downs | Turndown rate (%) |
|--|----------------------|-----------------|--------------|-------------------|--------------------------|-----------------|------------|-------------------|
|  | <i>APHIS present</i> |                 |              |                   | <i>APHIS not present</i> |                 |            |                   |
| National Horse Show                                |                      |                 |              |                   |                          |                 |            |                   |
| Commission   | 22                   | 11,411          | 467          | 4.09              | 405                      | 69,567          | 823        | 1.18              |
| Heart of America                                   |                      |                 |              |                   |                          |                 |            |                   |
| Walking Horse Assn.                                | 1                    | 166             | 5            | 3.01              | 52                       | 7,264           | 48         | 0.66              |
| Western International                              |                      |                 |              |                   |                          |                 |            |                   |
| Walking Horse Assn.                                | 2                    | 824             | 0            | 0                 | 5                        | 2,911           | 4          | 0.14              |
| Missouri Fox Trotters                              |                      |                 |              |                   |                          |                 |            |                   |
| Horse Breeding Assn.                               | 1                    | 271             | 0            | 0                 | 21                       | 1,424           | 0          | 0                 |
| Spotted Saddle Horse Breeders and Exhibitors Assn. | 4                    | 976             | 19           | 1.95              | 23                       | 3,999           | 50         | 1.25              |
| International Plantation                           |                      |                 |              |                   |                          |                 |            |                   |
| Walking Horse Assn.                                | 1                    | 101             | 0            | 0                 | 3                        | 645             | 2          | 0.31              |
| <b>Totals</b>                                      | <b>31</b>            | <b>13,749</b>   | <b>491</b>   | <b>3.57</b>       | <b>510</b>               | <b>85,810</b>   | <b>927</b> | <b>1.08</b>       |
| <b>Totals for HIO-affiliated shows</b>             | <b>541</b>           | <b>99,559</b>   | <b>1,418</b> | <b>1.42</b>       |                          |                 |            |                   |
| <b>Totals for unaffiliated shows</b>               | <b>7</b>             | <b>468</b>      | <b>2</b>     | <b>0.43</b>       |                          |                 |            |                   |

Figure 1 illustrates the 3-year trend of the HPA regarding the number of (1) alleged violations, (2) shows or sales inspected by DQP's and/or APHIS veterinarians, and (3) horses inspected.

Figure 2 illustrates the turndown rates at shows and sales by certified HIO's when APHIS inspectors are present and when they are not in attendance. The chart documents a higher turndown rate when APHIS is present at shows or sales.

Figure 3 relates the percentage of horse shows and sales affiliated with the certified HIO's that APHIS attended in FY 1996.

Figure 1  
Monitoring Horse Protection  
**Three-Year Annual Summary**

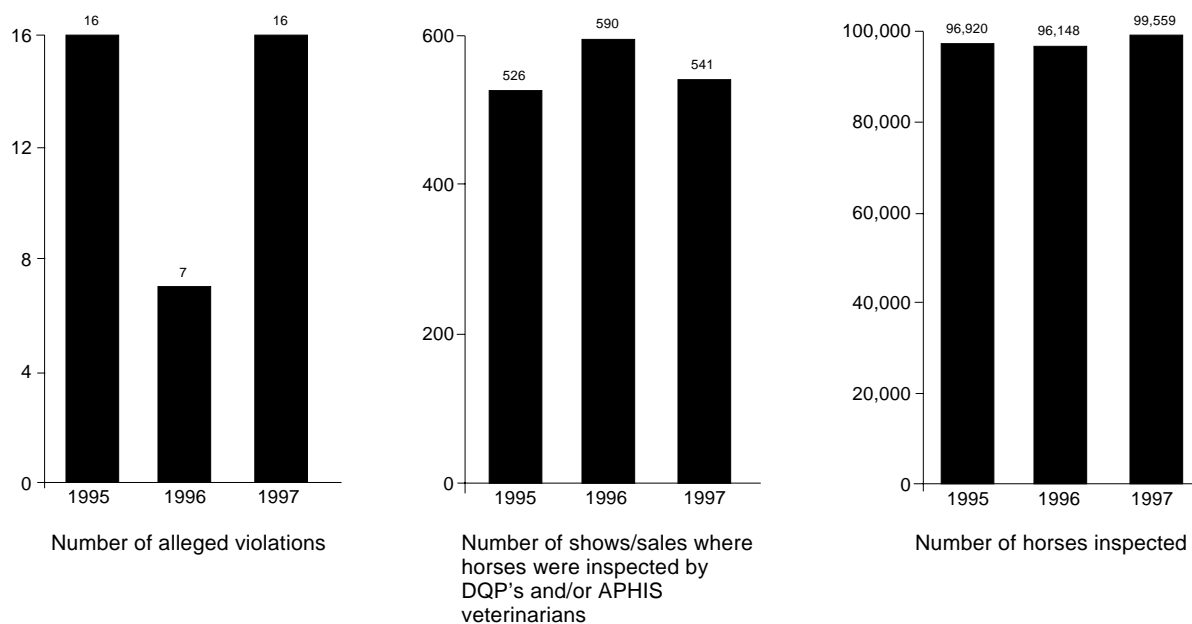


Figure 2  
HIO Performance  
**Turndown Rate (TDR) by HIO's in 1997, by Percentage**

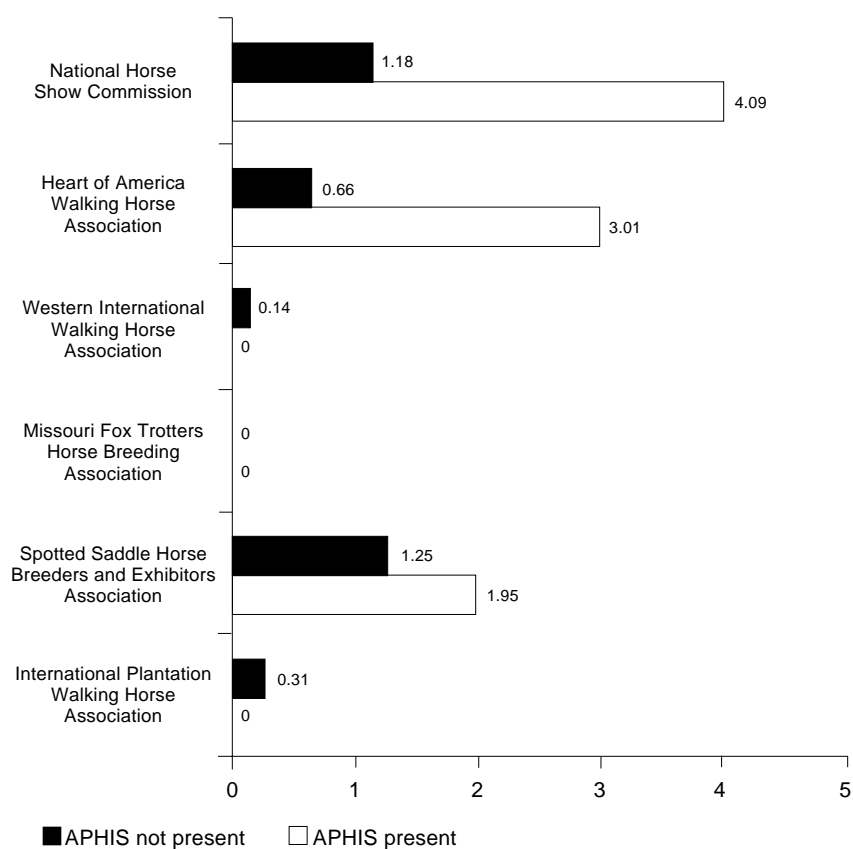
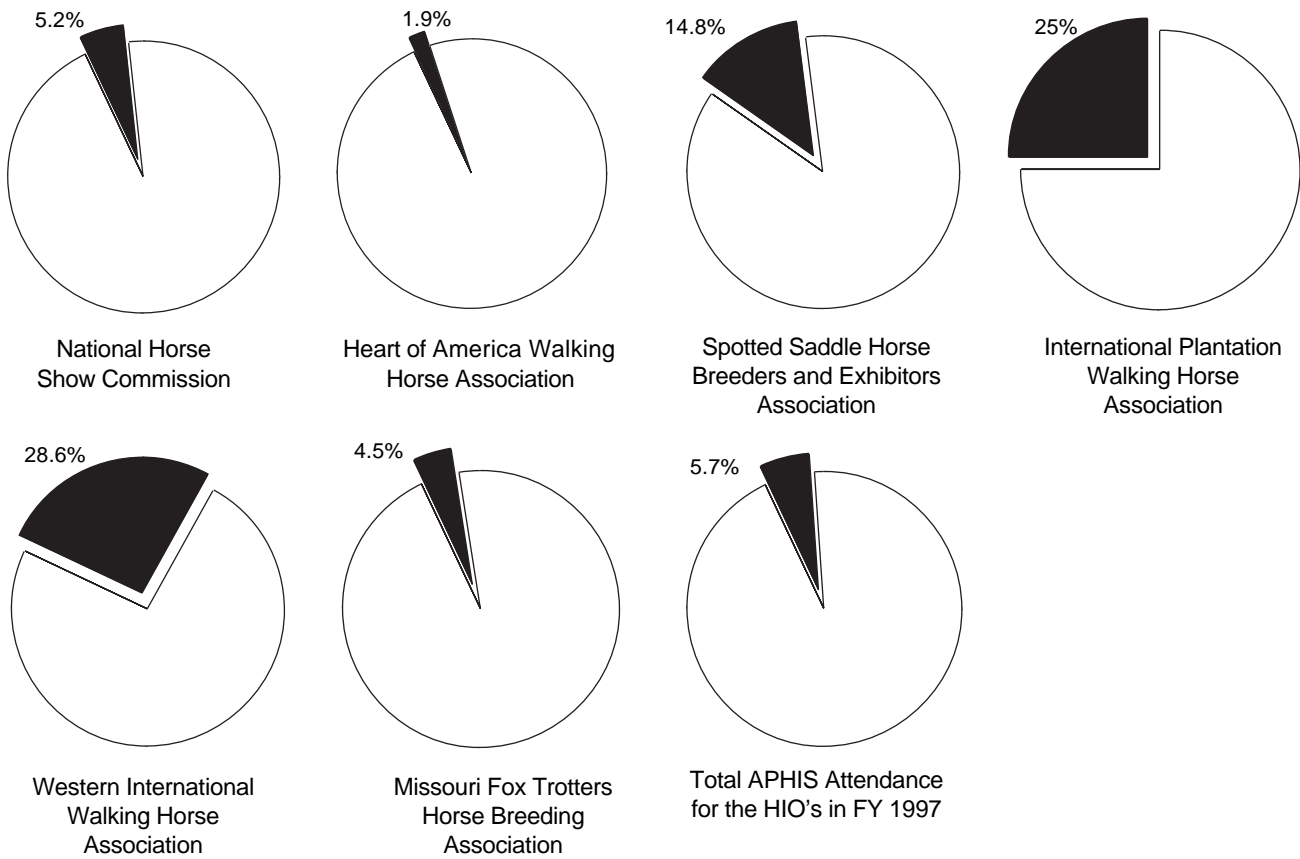


Figure 3

**Percentage of Shows and Sales Attended  
by APHIS, by HIO, FY 1997**





## FY 1997 Legal Proceedings

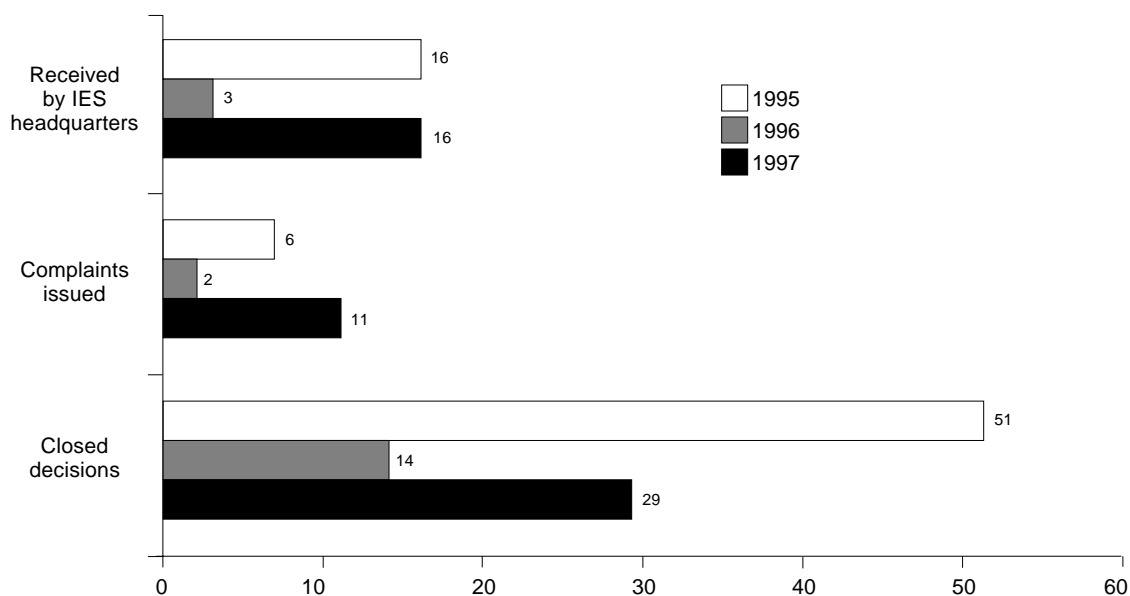
During FY 1997, APHIS initiated 16 investigations of alleged violations of the HPA and associated regulations. Soring accounted for 14 of the alleged violations. APHIS' Investigative and Enforcement Services headquarters staff received 10 of the initiated investigations for further review and potential legal action. USDA's Office of the General Counsel received seven cases for prosecution. In addition to initiated investigations, APHIS issued 11 administrative complaints. Administrative law judges issued a total of 29 decisions resulting in 17 disqualifications and civil penalties totaling \$51,500. Because most cases involve several respondents, more than one consent decision is often issued. APHIS issued no official warnings for technical violations of the HPA. On average, resolution of cases takes about 2 years. Legal proceedings are reported in figures 4 and 5.

## Legislative Recommendations

USDA does not anticipate the need for additional legislation at this time.

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Figure 4  
*Horse Protection Enforcement*  
**Apparent Violations of the HPA, FY 1995–97**

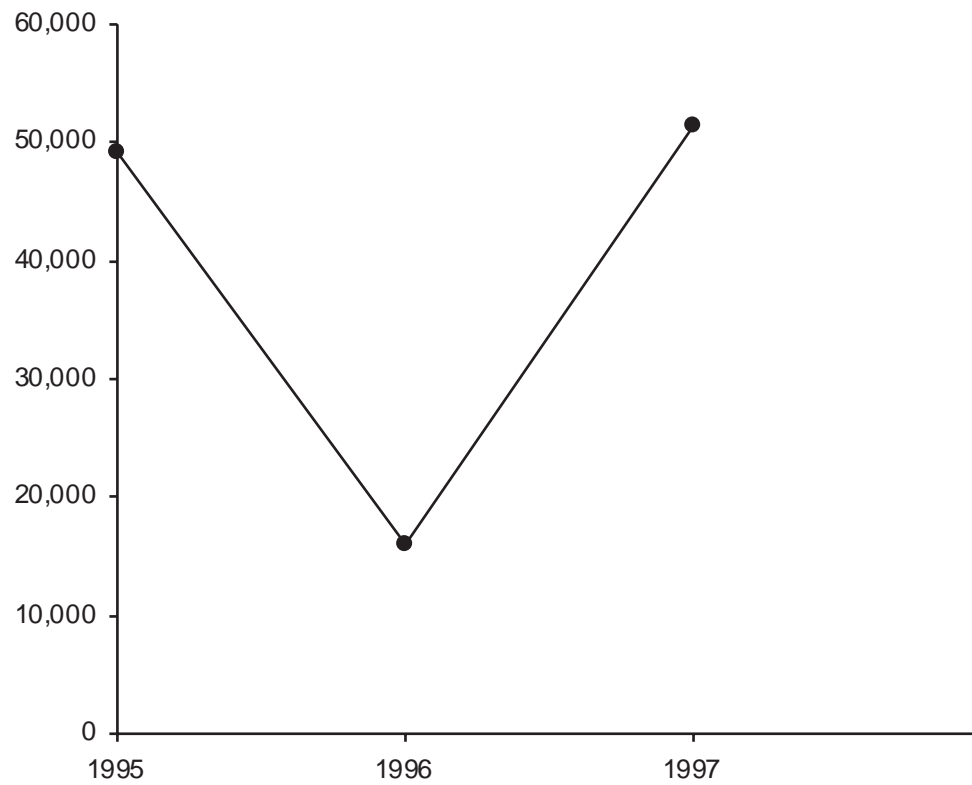


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Figure 5

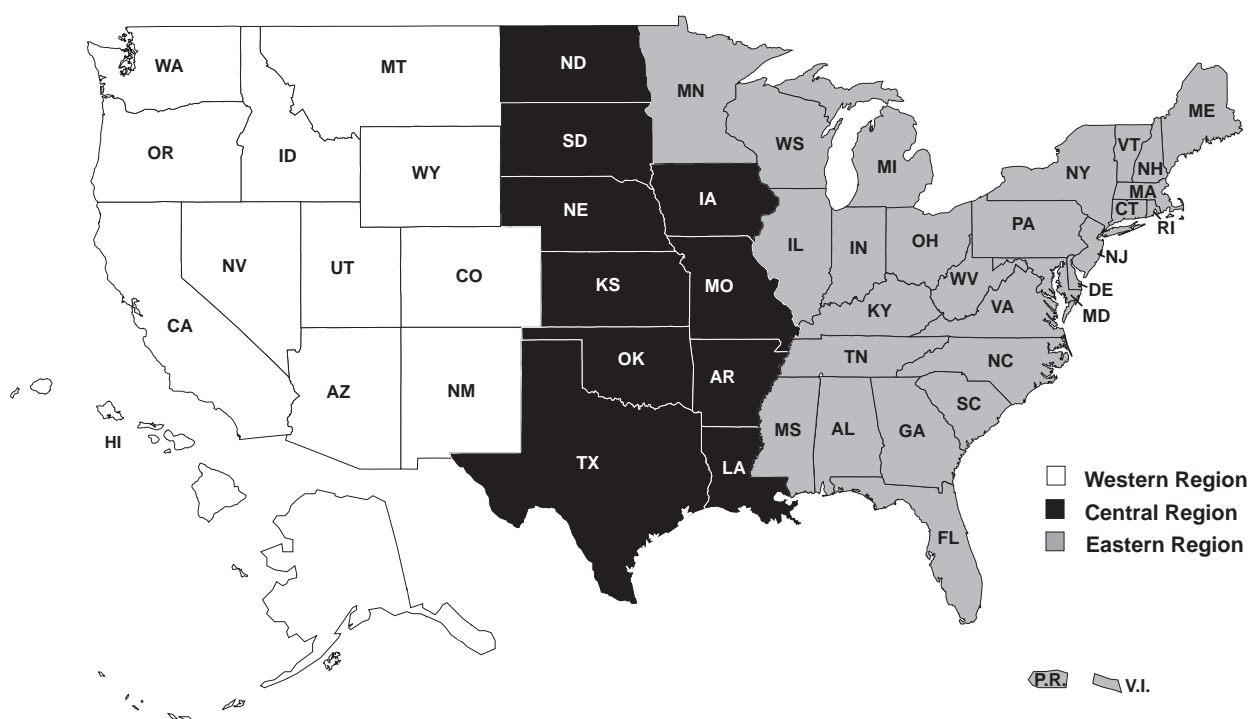
*Horse Protection Enforcement*

**Dollar Value of Assessed Penalties Under  
the HPA, FY 1995–97**



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